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By 
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Attorney Docket No. 100806-00072 (NEKU 19.296)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Mikio ODA, et al.

Serial No.: 10/028,238

Filed: December 21, 2001

Title: OPTICAL PATH CONTROL APPARATUS...

Examiner: Jessica T. Stultz

Art Unit: 2873

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December 23, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

S I R:

In order to comply with discretionary rules 37 CFR §§1.97 and 1.98, attached hereto is a copy of Form PTO-1449 and a copy of a document listed thereon. This document contains information in which the Examiner may consider to be important in deciding whether to issue a patent in the instant application.

As this document is written in a language other than English, an English Language abstract is annexed thereto explaining its relevancy in accordance with 37 CFR §1.98(a)(3).

Also attached is a copy of a Japanese Office Action dated November 11, 2002 from the corresponding International Patent Application. Such Office Action cited two documents. One of such documents, namely JP 07-159658 was cited in an IDS previously submitted on June 4, 2002. All of the documents listed in Form PTO- 1449 appear in the Japanese Office Action.

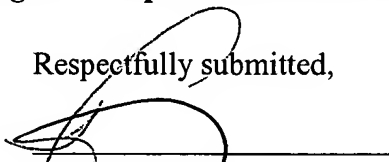
Each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement, so no fee is due.

The present Information Disclosure Statement is being submitted in compliance with 37 §CFR 1.56 as an Examiner might consider any cited document important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 CFR 1.104 (a), and in the course of such search will review for relevance every document cited on the attached form even if not initialed.

Early and favorable consideration is respectfully solicited.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,


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Reasons

Reason 1. The invention relating to the following claims of this application falls under the provisions of article 29, paragraph 1, number 3 of the Patent Law and may not be granted a patent, because it is an invention described in the following publications distributed in Japan or abroad, or an invention that has become publicly accessible via electric communication circuits, prior to the filing of the application.

* * *

(For the cited references, etc., see Table of cited references, etc.)

- Concerning claim 1
- Cited references, etc. 1, 2
- It is the same as the invention described in cited reference 1 or 2.

Reason 2. This application does not satisfy the requirements set forth in article 37 of the Patent Law, in the following points.

* * *

The "problem to be solved" as referred to in article 37, number 1 of the Patent Law means a technical problem that was unsolved by the time of the application and is to be solved by the invention, and its "essential parts being the same" as referred to in article 37, number 2 of the Patent Law means a new matter that corresponds to a problem to be solved (see examination standards). And because, as stated in reason 1, an invention that is the same as the invention relating to claim 1 of this application, which is the invention for solving the problem of this application, was already known prior to the filing of this application, there does not exist a technical problem that was unsolved by the time of the application and is to be solved by the invention, nor a new matter that corresponds to a problem to be solved.

Therefore, if the invention relating to claim 1 is taken as the specified invention, then between said specified invention and the inventions relating to claims 2 and 4-41 there does not exist a technical problem that was unsolved by the time of the application and is to be solved by the invention, nor a new

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matter that corresponds to a problem to be solved, so it is not deemed to satisfy any of the relationships prescribed in article 37, numbers 1 and 2 of the Patent Law.

Moreover, none of the inventions is deemed to satisfy any of the relationships prescribed in article 37, numbers 3, 4, and 5 of the Patent Law.

Therefore the inventions relating to claims 2 and 4-41 do not satisfy the requirement of singularity.

Also, because, as stated above, this application violates the provisions of article 37 of the Patent Law, no examination has been conducted concerning requirements other than those of article 37 of the Patent Law for the inventions relating to claims other than 3.

Reason 3. Under the provisions of article 29, paragraph 2 of the Patent Law, the invention relating to the following claims of this application may not be granted a patent, because it could easily have been invented by a person who has the usual knowledge in the field of technology to which the invention belongs, prior to filing of the application, based on the inventions listed in the following publications, which were distributed in Japan or foreign countries, or inventions that have become publicly accessible through electric communication circuits, prior to filing of the application.

* * *

(For the cited references, etc., see Table of cited references, etc.)

- Concerning claim 3
- Cited references, etc. 1, 2

Even without resorting to quoting the cited references, it is no more than a technical matter that was well known, prior to the filing of this application, to use a metal film that has the property of high reflectivity as a reflecting surface.

Table of cited references, etc.

1. Unexamined patent H7-159658 [1995]
See, for example, paragraph [0023] and Figure 1.
2. Unexamined patent S64-59303 [1989]
See, for example, Figure 5.